REMARKS

This communication in response to the Office Action mailed on June 22, 2007.

Applicant first respectfully requests a new initialed copy of PTO-Form 1449 for the references submitted in the Information Disclosure Statement filed June 12, 2006. In particular references "AO" and "AP" were not initialed although references "AA, AB and AC" were.

Before responding to the substantive rejections in the Office Action, applicant would like to point out some amendments made to the claims. In particular, claims 12 -20 have been amended to recite "computer readable storage media." These amendments were not made in view of any prior art, but rather to place the claims in a preferred form for U.S. practice.

The Office Action reports that claims 1-22 were rejected as being anticipated by Mousseau et al. (U.S. Published Patent Application 2002/012069. With this amendment, claim 1 has been amended to recite that the method to synchronize folders between a mobile device and a second computing device includes comparing the folder hierarchy of the mobile device with the folder hierarchy of the second computing device to ascertain differences, wherein comparing includes modeling the folder hierarchy of the mobile device and the folder hierarchy of the second computing device each as a sorted list of folder identifiers and ascertaining differences between the folder hierarchies by ascertaining differences between the sorted lists of folder identifiers. It is respectfully believed that the combination of features recited by claim 1 is not taught, suggested or obvious in view of Mousseau et al.

The features now recited in claim 1 were previously recited, in part, in dependent claim 10. The Office Action reported that this claim was rejected in view of Fig. 17 and paragraphs 0120-0122, which are repeated here for convenience of

review:

[0120] Folder Synchronization advanced Methods

[0121] As laid out in the first section there are many basics necessary for any folder synchronization to take place. The idea of a one-time bulk synchronization, a step of labeling the folders in a consistent fashion and the idea of a bulk synchronization after many changes have been made are all important to any synchronization. The main advantage of using a bulk method for synchronization is to reduce airtime costs. If the cost factor were to be eliminated it is possible to perform all the steps over the air or to mix the modes so the only time a bulk synchronization would be performed is when the user uses the invention for the first time ("The Setup Stage").

[0122] The process of synchronizing all this information between these two data stores can take place in several possible ways. As mentioned the user might select a `batch-mode` method to reduce air-time costs and save battery life. If the batch mode is used then the software could either use a very slow and time consuming method of compare each message to determine which messages from the mobile data store had moved from the host data store. The next most advanced method would be to use folder Ids and message Ids, combined with `move` indicator flags to facilitate knowing which messages had been moved from a first folder into a second folder. This effectively would create a `change list` of actions performed by the user. In the preferred embodiment if the user did not select the batch-mode approach but performed the real-time over-the-air method, this later technique would be the best method. This method would also use folder Ids and message Ids to facilitate the identification and movement of messages and the modification of folders. This advanced real-time, over-the-air mirroring of information (i.e., synchronized) is illustrated in FIGS. 17 through 25. The advanced method of performing all synchronization over the wireless network is referred hereinafter as the "over-the-air-move" process.

Applicant submits nowhere in this description is there provided any discussion regarding modeling the folder hierarchies as sorted lists and ascertaining differences between the folder hierarchies by ascertaining differences between the sorted lists of folder identifiers as is presently claimed.

It is however noted that in the rejection of claim 1 the Office Action provided a reference to paragraph 0102 for the step of "comparing." Again for convenience, this paragraph is repeated below:

[0102] FIG. 7 is a flow chart illustrating the basic steps of synchronizing folders and messages between the host system 10 and the mobile device 24. Bulk synchronization starts in step 140 when the mobile device 24 is coupled to the host system 10 by, for example, (1) placing the device in an interface cradle or a suitable equivalent; or (2) initiating an over-the-wireless-network synchronization. In this step, the folder hierarchy is received and tagged and the folder list is created in step 142 from a store at the host system 10. In step 144, the mobile device 24 is updated using the list of folders from the store. After the folders on the mobile device are updated 144 to match the folder structures 130 in the host system 10, the messages stored in the host system 10 are retrieved in step 146. The messages in the mobile device 24 are similarly retrieved in step 148. Step 150 compares the unique message IDs of messages in the mobile device 24 and the host system 10 to find similar messages. Once similar messages are found on the mobile device 24 and the host system 10, step 152 determines whether or not a message has been moved within the folder system. When one of the two messages (host message and mobile device message) is determined to have been moved, the other message is moved to the folder that matches the folder ID of the moved message in step 154. All similar messages from the mobile device 24 and the host system 10 are checked to determine 152 where the messages should be placed and moved 154 accordingly. (emphasis added)

The underlined description in the foregoing paragraph refers to the creation of a folders "list" and using the list to update the mobile device. More importantly though, Mousseau et al. do not teach that that this list is a sorted list of folder identifiers that serves as a model to be used with a similar list in order to ascertain differences in the folder hierarchies by ascertaining differences in the sorted lists of folder identifiers. Rather, Mousseau et al. provide further detail about assigning folder IDs for folders in paragraphs 0104-0105;

however, again there is no teaching or suggestion that any sorted list is used as a model to ascertain differences in folder hierarchies.

[0104] FIGS. 8 through 14 illustrate in more detail the steps required to synchronize the messages and folders of the mobile device 24 to the host system 10. FIG. 8 sets forth the method steps carried out by the host system 10 to assign folder IDs to the folders (step 142 from FIG. 7). When the mobile device 24 is coupled with 160 the host system 10, the last assigned folder ID is retrieved from the mobile device 24 at step 162. A "special" folder list is retrieved in step 164 from the store of the host system 10. A "special" folder is a folder such as a deleted folder or an inbox folder where specific rules are set for managing messages within the folder. Based on the hierarchical structure, the host system 10 gets the top folder in step 166 and checks if the top folder is flagged in step 168. If the top folder is not flagged, step 170 assigns a folder ID to the folder based on the last assigned number retrieved in step 162. Once the top folder is assigned an ID number, the top folder is checked against the special folders and assigned a folder type in step 172.

[0105] By continuing to select through the hierarchical folder structure, step 174 retrieves subfolders of the top folder. The subfolder is checked for a folder ID in step 176 and assigned a folder ID in step 178 if no folder ID is found in step 176. Step 180 assigns a folder type to the subfolder. Step 182 checks for a subfolder underneath the current folder. If another subfolder is found, it is assigned as the top folder in step 184 and returned to step 174. If there are no more subfolders underneath the current subfolder, step 186 retrieves the next subfolder and returns the retrieved subfolder to step 176. Once the last subfolder is retrieved, step 190 ends the tag and retrieve step 142 of the folder structure synchronization process 136. Overall, this is a recursive operation performed for all the subfolders starting from the top folder of the information store.

Although Mousseau et al. teach using unique folder ID, this is in order that messages or other information can be assigned to a particular folder and thereby kept track of. It is

respectfully submitted that mere use of unique folder IDS does not lead one of ordinary skill in the art to use the method of claim 1, and in particular, sorted lists of folder identifiers as models in order to maintain folder synchronization. Accordingly, it is submitted that claim 1, as amended, is allowable.

Independent claim 12 has also been amended, and in particular, now recites that the instructions include modeling the folder hierarchy of the mobile device and the folder hierarchy of the second computing device each as a sorted list of folder identifiers and ascertaining differences between the folder hierarchies by tracking positions of common folder identifiers relative to each other in each of the lists. This language is similar to language of claim 1 in that again it is recited that sorted list of folder identifiers are used to model the folder hierarchies and are used to ascertain differences. However, claim 12 is different in scope in that this claim recites that the differences in the folder hierarchies are obtained by tracking positions of common folder identifiers relative to each other in each of the lists. This language was recited previously in claims 21 and 22, now cancelled. Accordingly, it is respectfully submitted claim 12 is now in condition for allowance.

With this Amendment, dependent claim 10 has been amended to recite ascertaining differences between the sorted lists includes detecting differences by beginning at an end of each of the sorted lists and detecting differences in folder identifiers while incrementing through the lists. This feature is not believed taught, suggested or is obvious in view of the cited art. As discussed above, Mousseau et al. does not even teach a sorted list much less detecting differences in the manner recited by claim 10.

Claims 23 and 24 have been added with this Amendment and like the remaining, pending dependent claims in the application

are believed separately patentable when the features they recite are combined with the independent claim from which they depend and any intervening claims.

The foregoing remarks are intended to assist the Office in examining the application and in the course of explanation may employ shortened or more specific or variant descriptions of some of the claim language. Such descriptions are not intended to limit the scope of the claims; the actual claim language should be considered in each case. Furthermore, the remarks are not to be considered exhaustive of the facets of the invention which are rendered patentable, being only examples of certain advantageous features and differences, which applicant's attorney chooses to mention at this time. For the foregoing reasons, applicant reserves the right to submit additional evidence showing the distinction between applicant's invention to be unobvious in view of the prior art.

Furthermore, in commenting on the references and in order to facilitate a better understanding of the differences that are expressed in the claims, certain details of distinction between the same and the present invention have been mentioned, even though such differences do not appear in all of the claims. It is not intended by mentioning any such unclaimed distinctions to create any implied limitations in the claims.

An extension of time is hereby requested for responding to the Office Action. An online charge authorization for the extension of time fee is included herewith.

In view of the foregoing, reconsideration of the application as amended is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: _____
Steven M. Koehler, Reg. No. 36,188
900 Second Avenue South, Suite 1400
Minneapolis, Minnesota 55402
Phone: (612) 334-3222 Fax: (612) 334-3312

SMK:dkm